

## CHAPTER 68—LAND REMOTE-SENSING COMMERCIALIZATION

### SUBCHAPTER I—DECLARATION OF FINDINGS, PURPOSES, AND POLICIES

#### §§ 4201 to 4204. Repealed. Pub. L. 102-555, § 4, Oct. 28, 1992, 106 Stat. 4166

Section 4201, Pub. L. 98-365, title I, §101, July 17, 1984, 98 Stat. 451, related to Congressional findings for chapter.

Section 4202, Pub. L. 98-365, title I, §102, July 17, 1984, 98 Stat. 452, related to Congressional declaration of purpose of chapter.

Section 4203, Pub. L. 98-365, title I, §103, July 17, 1984, 98 Stat. 452, related to Federal policy concerning acquisition and dissemination of remote-sensing data, availability of civilian unenhanced remote-sensing data, and commercialization of remote-sensing space systems with governmental retention of essentially public service functions.

Section 4204, Pub. L. 98-365, title I, §104, July 17, 1984, 98 Stat. 452, related to definitions for chapter.

For similar provisions, see section 5601 et seq. of this title.

#### SHORT TITLE

Pub. L. 98-365, §1, July 17, 1984, 98 Stat. 451, which provided that such Act was to be cited as the “Land Remote-Sensing Commercialization Act of 1984”, was repealed by Pub. L. 102-555, §4, Oct. 28, 1992, 106 Stat. 4166.

### SUBCHAPTER II—OPERATION AND DATA MARKETING OF LANDSAT SYSTEM

#### §§ 4211 to 4215. Repealed. Pub. L. 102-555, § 4, Oct. 28, 1992, 106 Stat. 4166

Section 4211, Pub. L. 98-365, title II, §201, July 17, 1984, 98 Stat. 453, related to operation and data marketing of Landsat system by Secretary of Commerce and provided for Secretary’s authority to contract.

Section 4212, Pub. L. 98-365, title II, §202, July 17, 1984, 98 Stat. 454; Pub. L. 100-147, title III, §304, Oct. 30, 1987, 101 Stat. 876, related to Secretary’s authority to contract for marketing of unenhanced data.

Section 4213, Pub. L. 98-365, title II, §203, July 17, 1984, 98 Stat. 454, related to conditions of competition for contract to market unenhanced data.

Section 4214, Pub. L. 98-365, title II, §204, July 17, 1984, 98 Stat. 455, related to sale of unenhanced data, entitlement to revenues from such sales, and the permissibility of marketing such data after end of Landsat system space segment.

Section 4215, Pub. L. 98-365, title II, §205, July 17, 1984, 98 Stat. 455, related to supply of unenhanced data to foreign ground stations and contract provisions relating thereto.

For similar provisions, see section 5601 et seq. of this title.

### SUBCHAPTER III—PROVISION OF DATA CONTINUITY AFTER THE LANDSAT SYSTEM

#### §§ 4221 to 4228. Repealed. Pub. L. 102-555, § 4, Oct. 28, 1992, 106 Stat. 4166

Section 4221, Pub. L. 98-365, title III, §301, July 17, 1984, 98 Stat. 456, related to purposes and definition for subchapter.

Section 4222, Pub. L. 98-365, title III, §302, July 17, 1984, 98 Stat. 456, related to data continuity and availability.

Section 4223, Pub. L. 98-365, title III, §303, July 17, 1984, 98 Stat. 456, related to awarding of contract for provision of data continuity.

Section 4224, Pub. L. 98-365, title III, §304, July 17, 1984, 98 Stat. 458, related to terms of data continuity

contract and determination by Secretary of Commerce as to whether contract meets purposes of subchapter.

Section 4225, Pub. L. 98-365, title III, §305, July 17, 1984, 98 Stat. 458, related to marketing of land remote-sensing data, incentive provisions for such activity, and continuation by contractor of data sales or operation of civil remote-sensing systems.

Section 4226, Pub. L. 98-365, title III, §306, July 17, 1984, 98 Stat. 459, related to Secretary’s report on progress towards privatization of remote-sensing space systems.

Section 4227, Pub. L. 98-365, title III, §307, July 17, 1984, 98 Stat. 459, related to termination of chapter.

Section 4228, Pub. L. 98-365, title III, §308, as added Pub. L. 100-147, title III, §305, Oct. 30, 1987, 101 Stat. 876, related to disposition of government assets following completion of contract made pursuant to subchapter.

For similar provisions, see section 5601 et seq. of this title.

### SUBCHAPTER IV—LICENSING OF PRIVATE REMOTE-SENSING SPACE SYSTEMS

#### §§ 4241 to 4246. Repealed. Pub. L. 102-555, § 4, Oct. 28, 1992, 106 Stat. 4166

Section 4241, Pub. L. 98-365, title IV, §401, July 17, 1984, 98 Stat. 459, related to authority of Secretary of Commerce to license private sector parties, conditions for grant of license, review of applications by Secretary, and provisions relating to denial of licenses.

Section 4242, Pub. L. 98-365, title IV, §402, July 17, 1984, 98 Stat. 459; Pub. L. 102-567, title I, §114(b), Oct. 29, 1992, 106 Stat. 4279, provided licensing requirements for operation of private remote-sensing space system.

Section 4243, Pub. L. 98-365, title IV, §403, July 17, 1984, 98 Stat. 460, related to administrative authority of Secretary of Commerce, review of adverse action on license application, and judicial review of final actions.

Section 4244, Pub. L. 98-365, title IV, §404, July 17, 1984, 98 Stat. 461, related to regulatory authority of Secretary of Commerce.

Section 4245, Pub. L. 98-365, title IV, §405, July 17, 1984, 98 Stat. 461, related to licensing of private remote-sensing space systems which utilize civilian government satellites or vehicles, assistance by Secretary of Commerce in finding opportunities for such utilization, utilization agreements by Federal agencies, research and development, and subchapter’s effect on authority of Federal Communications Commission.

Section 4246, Pub. L. 98-365, title IV, §406, July 17, 1984, 98 Stat. 461, related to termination of subchapter.

For similar provisions, see section 5621 et seq. of this title.

### SUBCHAPTER V—RESEARCH AND DEVELOPMENT

#### §§ 4261 to 4264. Repealed. Pub. L. 102-555, § 4, Oct. 28, 1992, 106 Stat. 4166

Section 4261, Pub. L. 98-365, title V, §501, July 17, 1984, 98 Stat. 461, related to continued Federal remote-sensing research and development.

Section 4262, Pub. L. 98-365, title V, §502, July 17, 1984, 98 Stat. 462; Pub. L. 100-147, title III, §306, Oct. 30, 1987, 101 Stat. 876, related to remote-sensing research and development activities of Federal agencies.

Section 4263, Pub. L. 98-365, title V, §503, July 17, 1984, 98 Stat. 463, related to sale of experimental data.

Section 4264, Pub. L. 98-365, title V, §504, as added Pub. L. 100-147, title III, §307, Oct. 30, 1987, 101 Stat. 877, related to remote-sensing research and development activities of system operators.

For similar provisions, see section 5631 et seq. of this title.

## SUBCHAPTER VI—GENERAL PROVISIONS

**§§ 4271 to 4278. Repealed. Pub. L. 102-555, § 4, Oct. 28, 1992, 106 Stat. 4166**

Section 4271, Pub. L. 98-365, title VI, § 601, July 17, 1984, 98 Stat. 463, related to nondiscriminatory availability of unenhanced data and public availability of terms and conditions for data sales.

Section 4272, Pub. L. 98-365, title VI, § 602, July 17, 1984, 98 Stat. 463; Pub. L. 102-567, title I, § 114(c), Oct. 29, 1992, 106 Stat. 4279, provided for archiving of land remote-sensing data.

Section 4273, Pub. L. 98-365, title VI, § 603, July 17, 1984, 98 Stat. 464; Pub. L. 100-147, title III, § 308, Oct. 30, 1987, 101 Stat. 877, related to nonreproduction of unenhanced data.

Section 4274, Pub. L. 98-365, title VI, § 604, July 17, 1984, 98 Stat. 464, related to reimbursement of Federal agencies for assistance to remote-sensing system operators.

Section 4275, Pub. L. 98-365, title VI, § 605, July 17, 1984, 98 Stat. 464, related to acquisition of equipment from Landsat system.

Section 4276, Pub. L. 98-365, title VI, § 606, July 17, 1984, 98 Stat. 465, related to radio frequency allocation.

Section 4277, Pub. L. 98-365, title VI, § 607, July 17, 1984, 98 Stat. 465, directed Secretary of Commerce to consult with Secretary of Defense on chapter's effect on national security matters, with Secretary of State on chapter's effect on international obligations, and provided for reimbursement of system operators for certain costs.

Section 4278, Pub. L. 98-365, title VI, § 609, July 17, 1984, 98 Stat. 466; Pub. L. 99-62, July 11, 1985, 99 Stat. 118, authorized appropriations for chapter.

For similar provisions, see section 5651 et seq. of this title.

## SUBCHAPTER VII—PROHIBITION OF COMMERCIALIZATION OF WEATHER SATELLITES

**§§ 4291, 4292. Repealed. Pub. L. 102-555, § 4, Oct. 28, 1992, 106 Stat. 4166**

Section 4291, Pub. L. 98-365, title VII, § 701, July 17, 1984, 98 Stat. 466, related to prohibition of commercialization of weather satellites.

Section 4292, Pub. L. 98-365, title VII, § 702, July 17, 1984, 98 Stat. 467, required repeal of chapter prior to any action with respect to the commercialization of weather satellites.

For similar provisions, see section 5671 et seq. of this title.

## CHAPTER 69—COOPERATIVE RESEARCH

Sec.	
4301.	Definitions.
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4303.	Limitation on recovery.
	(a) Amount recoverable.
	(b) Recovery by States.
	(c) Conduct similar under State law.
	(d) Interest.
	(e) Applicability.
4304.	Award of costs, including attorney's fees, to substantially prevailing party; offset.
4305.	Disclosure of joint venture.
	(a) Written notifications; filing.
	(b) Publication; Federal Register; notice.
	(c) Effect of notice.
	(d) Exemption; disclosure; information.
	(e) Withdrawal of notification.
	(f) Judicial review; inapplicable with respect to notifications.
	(g) Admissibility into evidence; disclosure of conduct; publication of notice; supporting or answering claims under antitrust laws.

Sec.	
4306.	Application of section 4303 protections to production of products, processes, and services.

**§ 4301. Definitions**

(a) For purposes of this chapter:

(1) The term "antitrust laws" has the meaning given it in subsection (a) of section 12 of this title, except that such term includes section 45 of this title to the extent that such section 45 of this title applies to unfair methods of competition.

(2) The term "Attorney General" means the Attorney General of the United States.

(3) The term "Commission" means the Federal Trade Commission.

(4) The term "person" has the meaning given it in subsection (a) of section 12 of this title.

(5) The term "State" has the meaning given it in section 15g(2) of this title.

(6) The term "joint venture" means any group of activities, including attempting to make, making, or performing a contract, by two or more persons for the purpose of—

(A) theoretical analysis, experimentation, or systematic study of phenomena or observable facts,

(B) the development or testing of basic engineering techniques,

(C) the extension of investigative findings or theory of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, prototypes, equipment, materials, and processes,

(D) the production of a product, process, or service,

(E) the testing in connection with the production of a product, process, or service by such venture,

(F) the collection, exchange, and analysis of research or production information, or

(G) any combination of the purposes specified in subparagraphs (A), (B), (C), (D), (E), and (F),

and may include the establishment and operation of facilities for the conducting of such venture, the conducting of such venture on a protected and proprietary basis, and the prosecuting of applications for patents and the granting of licenses for the results of such venture, but does not include any activity specified in subsection (b) of this section.

(b) The term "joint venture" excludes the following activities involving two or more persons:

(1) exchanging information among competitors relating to costs, sales, profitability, prices, marketing, or distribution of any product, process, or service if such information is not reasonably required to carry out the purpose of such venture,

(2) entering into any agreement or engaging in any other conduct restricting, requiring, or otherwise involving the marketing, distribution, or provision by any person who is a party to such venture of any product, process, or service, other than—

(A) the distribution among the parties to such venture, in accordance with such ven-